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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097080.684	05/18/98	MIRUS	TH-1038

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PM51/0225

EXAMINER
TAYLOR, D

ART UNIT	PAPER NUMBER
3672	

DATE MAILED: 02/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/080,684

Applicant(s)
Mikus, T. et al

Examiner
Dennis L. Taylor

Group Art Unit
3672



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to because 1), the drawings do not clearly show Applicants invention in such manner as to be clear as to what is being disclosed, 2), numerous embodiments or alternate embodiments are described in the specification which are not shown in the drawings, and 3), Figure 2 appears to be incomplete in that only a portion of the device appears to be shown. Correction is required.

Specification

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Applicants specification is confusing as to what is being disclosed and does not set forth the invention in such a manner as required by 35 USC 112, first paragraph, i.e., in such full, clear, concise, and exact terms as to enable any person skilled in the art to make and use the same.

It is not clear whether or not Figures 1 and 2 are intended to show a single invention or if Figure 2 is a second embodiment of the invention. The brief description appears to indicate that Figures 1 and 2 are the same. However, the specification appears to be describing a different embodiment for Figure 2. Also, it is not clear how the embodiment of Figure 1 operates. Applicants state,

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page 3, lines 2-5 that "In a preferred embodiment of the present invention, the combustion gases are passed through perforated conduits and contaminants are removed by maintaining a vacuum within the perforated conduits, thereby drawing the vaporized contaminants into the perforated conduits". However, it is not clear to the examiner how the combustion gases can be passed through the perforated conduits and a vacuum can be maintained within the perforated conduits at the same time. Further, the term "negative pressure" is not understood. A pressure can never be below 0 psi. On page 5, with respect to Figure 2, Applicants state that "Fig. 2 shows one half of the pattern, with a mirror image of the system shown in Fig. 2 provided at the other end of the pattern". Does this mean that the other end includes all the systems as shown, such as 201-210? Also, it is not clear how the combustion gases are passed into the soil. There does not appear to be indication in the specification that the embodiment of Fig. 2 contains perforations, as shown for Figure 1 at 106. On page 5, first full paragraph to the end of the specification, the speculative alternative should be clearly shown in the drawings or canceled from the specification since such alternative embodiments cannot be claimed without a clear showing.

Page 3 of the specification, line 26 does not read correctly. Page 4, line 11 and 12 , reference numeral "108" is used to designate an oxidizer and line 15 an incinerator.


Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Taylor whose **telephone number is (703) 308-1013**. The examiner can normally be reached on Monday-Thursday from 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tamara Graysay, can be reached on (703) 308-2144. The **fax phone number for this Group is (703) 305-3597 or 305-3598**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.


DENNIS L. TAYLOR
PRIMARY EXAMINER
ART UNIT 3625

February 23, 1999
(12)080684.1st

